

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 368/2023

Abdur Rashid

V/S

Police Deptt & etc.

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APPELLANT

Abdur Rashid

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,
OF PESHAWAR.

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 0335-8390122

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BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 368/2023

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 10630

Dated 18-1-2024

Abdur Rashid

V/S

Police Deptt & etc.

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REJOINDER ON BEHALF OF THE APPELLANT

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-6) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

ON FACTS:

1. Incorrect. While para-1 of the appeal is correct. Moreover, the appellant was confirmed as ASI w.e.f from 25.01.2007 vide order dated 21.04.2012.
2. Correct. As the appellant was not sent for the Upper College Course for the reason that he was late confirmed in the rank of ASI therefore, the appellant became overage. Later on, the confirmation of the appellant in the rank of ASI was revised w.e.f 25.01.2007 but in the year 21.04.2012. It is pertinent to mention here that if the appellant was confirmed in the rank of ASI at proper time with his colleagues in the year 2007 then there was issue of overage never raised because at that time appellant was not over aged. So the appellant is entitled for seniority and other relief with his colleagues.
3. That the PPO on request grant permission to overage ASIs for upper college course.

4. Correct. But it is pertinent to mentioned here that the appellant was promoted as officiating SI on 28-08-2009 and confirmed in the said rank after 6 years. The appellant wanted that the seniority was required to be restored from 28.08.2011 as per Police Rules para-18 and from the date Colleagues of the appellant was confirming at the rank of S.I.
5. Admitted correct by the respondent as not denied para-5 of the appeal.
6. Admitted correct by the respondents needs no comments.
7. Incorrect. While Para-7 of the appeal is correct. Moreover, the appellant was confirmed as S.I and promoted to the rank of Officiating Inspector in the Year 2015 and confirm as Inspector in the Year 2017.
8. Incorrect. While Para-8 of the appeal is correct.

GROUND:

- A. Incorrect. While Para-A of the appeal is correct. Moreover, on the request of the appellant the relaxation was given for Upper College Course.
- B. Incorrect. While Para-B of the appeal is correct.
- C. Incorrect. While Para-C of the main appeal is correct.
- D. Incorrect. While Para-D of the main appeal is correct.
- E. Incorrect. While Para-E of the main appeal is correct.
- F. Admitted correct.
- G. Incorrect. While Para-G of the main appeal is correct.
- H. Incorrect. While Para-H of the main appeal is correct.
- I. Incorrect. While Para-I of the appeal is correct. Moreover, the contention of the appellant in Para-I was not denied by the respondent

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J. Incorrect. While Para-J of the appeal is correct.


K. Incorrect. The appellant has submitted departmental appeal during his service in the year 2018 on which he was called on 09.01.2023 vide CPO Letter No. 11/CPP, dated 09.01.2023 after his retirement. Copy of the letter is attached as Annex-R

It is, therefore, most humbly prayed that the main appeal may be accepted as prayed for.


APPELLANT

Abdur Rashid

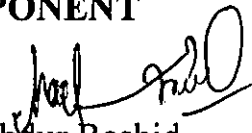
THROUGH:


(SYED NOMAN ALI BUKHARD)
ADVOCATE HIGH COURT,
OF PESHAWAR.

AFFIDAVIT:

It is affirmed on oath that the contents of this rejoinder are true and correct and nothing has been concealed from this Tribunal.

DEPONENT


Abdur Rashid



OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

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No. CPO/CPB/ 11 Dated Peshawar 9 January, 2023

To: Mr. Sabir Khan (Retired DSP),
District Peshawar.

Mr. Abdur Rasheed No. H-130
(Ex-Inspector) District Mianshera

Subject: **PERSONAL HEARING**

Memo.

I am directed to refer to the subject cited above and to state that the Competent Authority has directed to call the following retired officers as mentioned below for personal hearing in the office of DIG/HQrs on 11.01.2023. ✓

- 1 Ex-DSP Sabir Khan (Court case).
- 2 Ex-Inspector Abdur Rasheed No. H-130. ✓


9/1/23
(AFSAR JAN)

Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. and dated even

Copy of above is forwarded to the:-

1. PA to DIG/HQrs Khyber Pakhtunkhwa for information.
2. PA to AIG/Establishment Khyber Pakhtunkhwa.

